

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DONALD R. REYNOLDS, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 3:11-cv-337
)	<i>Judge Collier</i>
)	
ERIC HOLDER, et al.,)	
)	
<i>Defendants.</i>)	

MEMORANDUM

This is a *pro se* civil rights action pursuant to 42 U.S.C. §§ 1983 and 1985(3), filed by Donald R. Reynolds, Jr., who is a federal prisoner; his father, Donald R. Reynolds, Sr.; his mother, Janice Reynolds; his wife, Melanie Reynolds; his minor child, A.R. Reynolds; and various business entities. For the following reasons, the plaintiffs' pending motion to set aside the order dismissing defendants (Court File No. 120) will be **DENIED**, this action will be **DISMISSED WITHOUT PREJUDICE** as to all remaining defendants, and this action will be **DISMISSED IN ITS ENTIRETY**.

Plaintiff Donald R. Reynolds, Jr. ("Reynolds") was convicted in this Court of various drug, firearm, and money laundering charges, and sentenced to life in prison plus 900 months; his interests in numerous items including cash, bank accounts, vehicles, firearms and ammunition, and jewelry were forfeited to the United States. *United States v. Reynolds*,

Criminal Action No. 3:08-cr-143 (E.D. Tenn. Nov. 5, 2010) (Judgment), *aff'd*, 534 F. App'x 347 (6th Cir. Dec. 12, 2013). The complaint, as amended, alleges a conspiracy on the part of certain defendants to violate the plaintiffs' rights and concerns the circumstances of Reynolds' arrest, the search of his residence, and the seizure of personal property. Plaintiffs seek monetary damages and the return of personal property.

The defendants are the United States Attorney General and the former U.S. Attorney for the Eastern District of Tennessee, both of whom have been dismissed from this action; numerous Assistant U.S. Attorneys, all of whom have been dismissed from this action; numerous state and federal agents, all of whom have been dismissed from this action; numerous federal judges, all of whom have been dismissed from this action; numerous private attorneys, many of whom have been dismissed from this action; the Knoxville News-Sentinel and one of its reporters, Jamie Satterfield, both of which have been dismissed from this action; Albert Baah and his business, American Exchange; and the Blount County Jail, which has been dismissed as a defendant.

Plaintiffs move to set aside the Court's prior order in which several non-federal defendants were dismissed because the complaint as amended failed to state a claim as to those defendants. Plaintiffs contend that the amended complaint did in fact state a claim as to those defendants. The Court disagrees. Accordingly, the motion to set aside the order dismissing defendants will be **DENIED**.

In its most recent Order, the Court found the federal defendants had not been properly served with process within the time required, denied plaintiffs' motion for default judgment

against the federal defendants, and granted the federal defendants' motion to dismiss without prejudice based upon plaintiffs' failure to timely serve the defendants. The Court also found that the remaining defendants had not been properly served with process within the time required and noted that, absent a motion to dismiss, a Court on its own and upon notice to plaintiff may dismiss without prejudice any defendants who have not been properly and timely served with process. For that reason, the Court ordered the plaintiffs to show cause why this action should not be dismissed without prejudice as to the following remaining defendants: the Knoxville Police Department, the Department of Justice, the IRS, the DEA, Sterling Henton, Albert Baah, Courtney Hennisley, American Exchange, Norman McKeller, Robert Kurtz, John Does 1-10, Mary Does 1-10, Unknown Agencies and Government Entities 1-10, and SWAT.

In response to the show cause order, the plaintiffs simply contend that all defendants have been properly served with process. Again, this Court disagrees with plaintiffs' position and finds plaintiffs have failed to show cause why this action should not be dismissed without prejudice as to all remaining defendants. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE** as to the following: the Knoxville Police Department, the Department of Justice, the IRS, the DEA, Sterling Henton, Albert Baah, Courtney Hennisley, American Exchange, Norman McKeller, Robert Kurtz, John Does 1-10, Mary Does 1-10, Unknown Agencies and Government Entities 1-10, and SWAT. There being nothing further to be done in the case, this action will be **DISMISSED IN ITS ENTIRETY**. The Court will **CERTIFY** that any appeal from this action would not be taken

in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

An appropriate order will enter.

/s/ _____
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE